



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	122E	Removal Of Children In Placement From Resource Family Homes	12/2/2008
Subchapter:	2	Removing A Child In Placement From The Resource Family Home	
Section	4	Removal due to criminal conviction (N.J.A.C. 10:122E-2.4)	

§10:122E-2.4 Removal due to criminal conviction

(a) The Division representative shall remove the children in placement from the resource family home when any resource family parent or household member has been convicted of a crime listed in N.J.S.A. 30:4C-26.8 in the following circumstances:

1. The resource family home has been licensed as being in substantial compliance and a Federal criminal history check is returned to the Division with a conviction of a crime cited in (a) above;
2. A new resource family parent or household member moves into an already licensed resource family home with a conviction of a crime as cited in (a) above; or
3. Any licensed resource family parent or household member who has had a completed criminal history check, has been subsequently convicted of a crime cited in (a) above, pursuant to N.J.S.A. 30:4C-27.8b.

(b) The office manager shall determine whether or not to remove the children in placement from a licensed resource family home when:

1. Any licensed resource family parent or household member has been convicted of a non-violent criminal or disorderly persons offense;
2. Any licensed resource family parent or household member has been convicted of a violent criminal or disorderly persons offense involving crimes not cited in N.J.S.A. 30:4C-26.8; or
3. Any licensed resource family parent or household member was convicted of one of the crimes cited in N.J.S.A. 30:4C-26.8, and five or more years have passed since he or she was terminated from probation or parole or was released without probation or parole from a correctional facility.

(c) Under the circumstances in (b)1 above, if the office manager decides it is not in the child's best interest to be removed from this resource family home, the office manager shall recommend to the Office of Licensing that the child be permitted to continue to be placed in the resource family home.

(d) Under the circumstances in (b)2 and 3 above, if the office manager decides it is not in the child's best interest to be removed from this resource family home, the office manager shall recommend to the Area Director, who may recommend to the Office of Licensing, that the child be permitted to continue to be placed in the resource family home.

(e) The determination made by the office manager in (b), (c) and (d) above, and the Area Director in (d) above shall be based upon the criteria listed in N.J.A.C. 10:122E-2.5(a).

(f) The decision made by the Office of Licensing in (c) and (d) above, to approve or deny the child's placement in the resource family home, shall be made on a case-by-case basis, based upon the criteria listed in N.J.A.C. 10:122C-2.2(b)3.

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